

**REMARKS**

This responds to the non-final office action of 19 June 2007 which rejected all of pending claims 1-20.

Paragraph 2 of the office action rejected claims 1 and 12 under 35 U.S.C.112.

- 5     Claims 1 and 12 have been revised in view of the examiner's comments. Hopefully the examiner will find in the revisions acceptable.

Paragraph 3 of the office action objected to claims 6, 7, and 12. Claims 6, 7, and 12 have been revised in view of the examiner's comments. Hopefully the examiner will find the revisions acceptable.

- 10     Paragraph 5 of the office action rejected claims 1-10 and 12-20 under 35 U.S.C. 103(a) over U.S. patent application 2003/0157929 to Janssen in view of U.S. Patent 5,913,176 to Barabash. Paragraph 6 of the office action rejected claim 11 under 35 U.S.C. 103(a) over the Janssen/Barabash combination in further view of U.S. patent 6,775,522 to Schornack. All rejections are respectfully traversed.

- 15     All claims have been amended to correct minor editorial errors, to revise claim dependencies, and to better characterize the differences between the claimed invention and the cited art. Claims 1-20 are resubmitted for further consideration.

**Removal of Earlier Amendment**

- 20     Upon further review, applicant has determined that an earlier entered amendment (filed 3 March 2006 responsive to the office action mailed 6 December 2005) unduly narrowed the claims relative to the prior art of record then and now. In particular, applicant in that earlier amendment added the adjective "non-cordless" to the description of the land-line devices. That adjective generated some confusion and was  
25     un-necessary to distinguish over the art of record then or now.

- Specifically as discussed in that earlier office action response and as discussed again herein below, each land-line device in the claimed invention is coupled through a corresponding wireless interface to another wireless interface that then couples to a cellular telephone for extending calls/signals from the land-line device to the cellular  
30     telephone. The land-line device may be any of several common devices including, for example, standard dial telephones, cordless/portable telephones, fax machines, etc.

The key characteristic is that the device is designed to be wired to the telephone network by standard wiring (e.g., wired to the PSTN network through standard telephone wiring and connectors). In the claimed invention any such land-line device may be coupled to its corresponding wireless interface to extend signals from that land-  
5 line device to another wireless interface that, in turn, extends the signals to a cellular telephone.

None of the art of record now or earlier in response to the first office action teaches such a structure as discussed further herein below. In particular, Jannsen alone or in any combination fails to show such or reasonably suggest such a structure.

10 Rather, Jannsen teaches only a cordless handset that, instead of coupling to a unique, corresponding base, couples to a common base with other wireless handsets for extension of calls to a cellular telephone. Thus, Jannsen (alone or in any combination of the art of record) does not teach or reasonably suggest a structure whereby a standard telephone (whether having a corded or cordless handset) or fax machine or any other  
15 standard land-line device may be coupled so as to extend its signals to a cellular telephone network.

**Traverse of the 35 U.S.C. 103(a) Rejection of Claims 1-10 and 12-20**

The 35 U.S.C. 103(a) rejections of claims 1-10, 12-20 and 11 are traversed. A  
20 first reason for traverse is that the cited references, taken singularly or in combination, do not disclose all of the claimed elements. It is therefore irrelevant whether the references could be combined as suggested by the examiner. A second reason for traverse is that the cited references, even if they could be combined, would not make the claimed invention obvious per 35 U.S.C. 103(a). A third reason for traverse is that  
25 the examiner's proposed combination of references fails meet the requirements of a 35 U.S.C.103(a) rejection since the examiner's assertions do not establish a prima facie case of obviousness or motivation to combine.

The present invention discloses a system that enables remote land-line devices (including e.g., telephones) to make and receive calls over a cellular network. This is  
30 achieved by using a cell phone as an interface between the cellular network and the remote land-line telephones. Janssen uses cordless telephone handsets coupled to a

common base unit to make and receive calls over a cellular network using his cell phone as an interface between the cellular network and his cordless phone handsets.

The present invention permits existing remote land-line phones to bypass the existing house wiring and the public telephone network (PSTN) by using a cellular network for their residential phone service. This is achieved in accordance with the present invention as shown on Figure 1 by coupling each existing remote land-line phone (120, 125) to a series circuit comprising an individual one of a plurality of wireless interfaces (110, 112) and via a wireless interface (103) to a base (102) adapted to removably receive a cell phone (100). Each remote wireless interface (110, 112) is individual to a different remote land-line phone (120, 125).

In accordance with the present invention, a call initiated by a calling remote land-line phone (120, 125) is extended to wireless interface (103) via the wireless interface (110, 112) individual to the calling remote land-line phone (i.e. 120). The call is further extended from wireless interface (103) of cell phone base (100) to cell phone (100) which forwards the call to the called station of the cellular network (130). The same elements serve incoming calls directed to a remote land-line phone (120, 125) from the cellular network (130).

Janssen requires that the homeowner's existing land-line phone system be replaced by cordless phone handsets (220) which communicate directly with his interface (100) having a cradle adapter (120) adapted to receive cell phone (115). The Janssen cordless handsets (220) transmit directly to interface 100 and cell phone 115 to establish calls with a cellular network. Janssen differs from the present invention in that he does not disclose a plurality of wireless interfaces correspondingly individual to each cordless handset (220) such that **any** type of land-line device may be coupled for extension of the call to a cellular telephone network. Rather, Janssen's cordless handsets (220) are all wirelessly coupled to a common base station 100 that in turn extends the signals from the handsets to a cellular network.

Amended independent claims 1, 8, and 12, in essence, recite: a first wireless interface (103) individual to a cell phone base (102) and a plurality of remote wireless interfaces (110, 112) each of which is individual to a different one of the remote land-line telephones (120, 125); a call received from cellular network (130) is extended via

cell phone (100) to the remote land-line telephones (120,125); the call path includes cell phone (100), wireless interface (103) of cell phone base (102), the remote wireless interfaces (110, 112) individual to the remote land-line telephones (120,125) and further to the remote land-line telephones (120, 125).

5        The claimed wireless interfaces (110, 112) individual to the remote land-line phones (120, 125 together with the wireless interface (103) of cell phone base (102) distinguish the presently claimed invention from the prior art. It is these interfaces that permit call connections to be established via cell phone (100) between the remote land-line phones (120, 125) and cellular network (130).

10        The claimed system is distinguishable from Janssen taken singularly or in combination with Barabash. Janssen requires cordless handsets (220). Barabash discloses a conventional land-line telephone (2) connected by a wireless interface 5 to a mobile station (7) which corresponds to a cell phone in so far as can be understood. Barabash refers to his mobile station (7) as a "cellular transceiver" that communicates  
15        over the air with base station (9) of PSTN (4). The Barabash land-line telephone (2) is directly connected by land-line interface (5) to his cellular transceiver (7). The purpose of the Barabash cellular transceiver is to connect his telephone (2) to the PSTN. It is not the purpose of Barabash to bypass the PSTN and connect his land-line telephone (2) to a cellular network. Barabash does not disclose a wireless interface individual to each  
20        one of a plurality of telephones (2) nor does he disclose a wireless interface individual to cellular transceiver (7). Neither Janssen nor Barabash disclose a system having a centralized cell phone that is connected signal-wise to a plurality of remote land-line phones via a plurality of wireless interfaces each of which is individual to a different remote land-line phone. Barabash fails to suggest the claimed invention since  
25        his land-line phones are not connected by wireless interfaces to his (mobile station) i.e. cellular facilities (7).

In his 35 U.S.C. 103(a) rejections, the examiner asserts that:

30        "It would have been obvious for one of ordinary skill in art at the time the invention was made to modify Janssen's system to include a non-cordless land-line station device each being individual to and coupled to a different one of the wireless interfaces as taught by Barabash, for the advantage of being cost-effective to adapt the existing physical connection without

new physical wiring."

This statement is replete with errors. First of all, the examiner failed to explain how Barabash could connect a plurality of his land-line telephones (2) to a "plurality of wireless interfaces". The interface (5) of Barabash is not a wireless device. It is directly connected to telephone (2) and directly connected to cellular transceiver (7). The examiner failed to explain why it would be obvious to combine Janssen with Barabash. An assertion does not prove "obviousness" merely because the examiner states this to be the case. The examiner further asserts that that it would be obvious (to combine) "for the advantage of being cost-effective". The Examiner statement has no probative value since he failed to provide an economic analysis supporting his assertion of cost savings. The examiner also provided no details of how Barabash is to be combined with Janssen.

The following facts are asserted by the applicant. First, Janssen connects his cordless phone handsets (220) via his interface (100) to his cell phone (115) which communicates with a cellular network (not shown). Secondly, Barabash connects his land-line telephone (2) via a cellular transceiver (17) to PSTN (4). Thirdly, the disclosed embodiment of applicant's invention connects remote land-line telephones (120,125) via wireless interfaces (110,112) in series with wireless interface (103) via cell phone base (102) to cell phone (100) which communicates with wireless network (130).

It is not understood how one could assert that the land-line phones of Barabash could replace the cordless handsets of Janssen. If such a replacement could be made, the land-line phones of Barabash would then be connected to Janssen's cellular phone (115) via Janssen interface (100). Even if such a combination were operationally possible, the resulting combination would not anticipate or make obvious applicant's claims. Applicant's claims require a remote land-line phone (120,125) to be connected serially by one of remote wireless interfaces (111, 113) via wireless interface 103 to cell phone (100) via a cell phone base (102). Even if Janssen and Barabash could be combined as asserted by the examiner, the resulting combination would not disclose or make obvious all elements recited by applicant's independent claims 1, 8, and 12.

Dependent claims 2-7, 9-11, and 13-20 should be allowable as being dependent on one of independent claims 1, and 12 which are believed to be allowable. Further,

these dependent claims recite method steps or structure not shown in or made obvious by the examiner's cited combination.

The examiner's comments in rejecting independent claims 8 and 12 are traversed. Independent claims 8 and 12 are distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including the recited wireless interfaces associated with applicant's remote land-line phones and the wireless interface associated with applicant's cell phone base. The prior comments traversing independent claim 1 are applicable to the rejection of independent claims 8 and 12 and therefore need not be repeated herein.

The examiner's comments in rejecting dependent claims 2 and 13 are traversed. Claims 2 and 13 are distinguishable from the Janssen/Barabash combination which does not teach many of applicants recited claim elements including the detection of an on-hook signal by a remote land line station device for terminating said call. These dependent claims should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reason is priorly discussed.

The examiner's comments in rejecting dependent claims 3 and 14 are traversed. Claims 3 and 14 are distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including the wireless interfaces associated with applicant's remote land-line devices and the wireless interface associated with applicant's cell phone base. These dependent claims should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reason is priorly discussed.

The examiner's comments in rejecting dependent claims 4 and 15 are traversed. Claims 4 and 15 are distinguishable from the Janssen/Barabash combination which does not teach many of the applicant's recited claim elements including the recited plurality of different remote land-line devices. These dependent claims should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reason is priorly discussed.

The examiner's comments in rejecting dependent claims 5, 16, and 17 are traversed. Claims 5, 16 and 17 are distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including

the recited wireless interfaces associated with applicant's remote land-line phones and the wireless interface associated with applicant's cell phone base. Further, these dependent claims should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reason is priorly discussed.

5           The examiner's comments in rejecting dependent claims 6 and 19 are traversed. claims 6 and 19 are distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including the recited wireless interfaces associated with applicant's remote land-line phones and the wireless interface associated with applicant's cell phone base. The Janssen/Barabash  
10 combination does not disclose apparatus and methods whereby a remote land-line phone serves an incoming call as set forth in these claims. These dependent claims should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reason is priorly discussed.

          The examiner's comments in rejecting dependent claim 7 are traversed. Claim 7  
15 is distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including and a cell phone that must be inserted into a base to serve a call. This dependent claim should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reason is priorly discussed.

20           The examiner's comments in rejecting dependent claim 9 are traversed. Claim 9 is distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including the recited wireless interfaces associated with applicant's remote land-line phones and the wireless interface associated with applicant's cell phone base. This dependent claim should be allowable as being  
25 dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reasons priorly discussed.

          The examiner's comments in rejecting dependent claim 10 are traversed. Claim 10 is distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including a remote land-line phone  
30 integrated with a wireless interface. This dependent claim should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be

allowable for reasons priorly discussed.

The examiner's comments in rejecting dependent claim 18 are traversed. Claim 18 is distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including the recited wireless interfaces associated with applicant's remote land-line phones and the wireless interface associated with applicant's cell phone base. This claim should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reasons priorly discussed.

The examiner's comments in rejecting dependent claim 20 are traversed. Claim 20 is distinguishable from the Janssen/Barabash combination which does not teach many of applicant's recited claim elements including a cell phone operable only when inserted into a cell phone base. This claim should be allowable as being dependent upon one of independent claims 1, 8, and 12 which are believed to be allowable for reason is priorly discussed.

#### **Traverse of the Rejection of Dependent Claim 11**

The rejection of claim 11 in view of the combination of Janssen, Barabash, and Shornack is traversed. This rejection need not be discussed in detail since claim 11 should be allowable as being dependent on independent claim 8 which is believed to be allowable as above discussed. This rejection is further traversed since the elements of claim 11 including the wireless interfaces (110, 12) associated with the recited remote land-line telephones (120, 125) are not shown in the prior art including the combination of Janssen/Barabash/Shornack.

#### **Legal Inadequacy of the 35 U.S.C. 103(a) Rejections**

The 35 U.S.C. 103(a) rejections of claims 1-20 fails to establish a prima facie case of obviousness. The examiner's rejection contains no evidence supporting a motivation to combine the references. The examiner merely asserted that it would be obvious to combine Janssen with Barabash (or Jannsen with Barabash and Shornack).

The examiner also set forth an unsupported assertion of his proposed combination being cost-effective. The examiner's rejection is nothing more than unsupported



assertions based on impermissible 20/20 hindsight using knowledge gained from a reading of the applicant's application followed by the use of this knowledge against the applicant. An assertion of obviousness requires evidence supporting the establishment of a prima facie case of obviousness or motivation to combine. An obviousness  
5 rejection without such evidence is improper and devoid of merit.

The examiner is respectfully referred to sections 2142 and 2143 of the MPEP which describe what is required to establish a prima facie case of obviousness. These sections state that if the examiner does not produce evidence supporting a prima facie case of obviousness, the applicant is under no obligation to submit evidence of  
10 nonobviousness.

Section 2142 requires that the prior art references must teach or suggest all of the limitations of the rejected claims. The cited references fail to meet this test. The mere fact that it might be possible or desirable to combine Barabash with Janssen is not sufficient. The required evidence of motivation should be found in the art - e.g., Janssen  
15 and/or Barabash and/or Shornack.

An obviousness rejection proposing a combination of references should contain sufficient information so that it is clear as to what the examiner is suggesting and how the references are to be combined. Design level details are not required. However, more is required than the mere assertion that the references could be combined. One  
20 could argue that *anything can be combined with anything*. Section 2143 states: The fact that a reference can be modified is not sufficient to establish a prima facie case of obviousness. Persuasive reasons must be presented indicating how the proposed combination could be achieved. Fairness requires that the examiner provide some information as to how the references are to be modified to achieve the proposed  
25 modification. The examiner is respectfully requested to indicate what elements of Barabash are to be combined with what elements of Janssen to achieve a resultant operational structure that allegedly makes obvious applicant's claims.

It is respectfully submitted that all claims of the application are patentably distinguishable from the cited art and should be in condition for allowance.

30 The Examiner is respectfully requested to call the undersigned if the prosecution of the application can be expedited by so doing.

Docket No.: Carbonaro 1

Date: 17 Sept 07

Respectfully submitted,

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**SIGNATURE OF PRACTITIONER**

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